Criminal Revision No.17 of 1994.

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Date of Decision November 23, 2007.

Jasbir Singh ... Petitioner

VERSUS

State of Haryana ...Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: Mr. Baldev Singh, Senior Advocate, with
Mr.Anhul Goyal, Advocate,
for the petitioner.

Mr. S.S. Goripuria, Deputy Advocate General, Punjab.

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MOHINDER PAL, J.

Petitioner Jasbsir Singh, who was Driver of Haryana Roadways, Rohtak, faced trial under Sections 279 and 304-A of the Indian Penal Code (hereinafter referred to as `the Code') on the allegation that on October 21, 1984, while he was driving Bus No. HRO-4402, rashly and negligently, hit Jagan Singh, who

was going on a cycle, and caused his death. He was convicted by the trial Court under Sections 279 and 304-A of the Code and sentenced to undergo maximum rigorous imprisonment for three months and fine of Rs.1,000/-. His appeal was dismissed by the lower appellate Court. Hence this revision petition.

2. Learned counsel for the petitioner does not challenge his conviction. He, however, submitted that the occurrence relates to October 21, 1984. After a protracted trial, the petitioner was sentenced on September 20, 1993, by the trial Court and his appeal was dismissed by the lower appellate Court on January 04, 1994. He prayed that although the petitioner remained incarcerated for about a fortnight, but keeping in view the fact that Sword of Damocles remained hanging over his head for more than twenty three years, lenient view may be taken against the petitioner and that the impugned sentence order may be modified.

3. In view of the facts brought to my notice by the learned counsel for the petitioner, I think no useful purpose will be served in sending the petitioner to prison again at this stage and ends of justice will be adequately met if the petitioner is ordered to be released on probation.

4. Consequently, conviction of the petitioner under Sections 279 and 304-A of the Code is maintained. Instead of sending the petitioner to jail, he is ordered to be released on probation for a period of one year. He should furnish personal bond in the sum of Rs.20.000/- with one surety of the like amount to the satisfaction of the Chief Judicial Magistrate, Rohtak,

undertaking to appear and receive sentence when called upon to do so during this period and, in the meantime, to maintain peace and be of good behaviour. The said bonds will be furnished within a period of two months of the receipt of a copy of this order. However, sentence of fine is enhanced from Rs.1000/- to Rs.5,000/- and the amount of fine will also be deposited before the trial Court within the aforesaid period. Needless to say, if the petitioner fails to do so, this revision petition shall be deemed to have been dismissed. The amount of increased fine, if deposited, shall be paid to the legal heirs of Jagan Nath (deceased).

5. The impugned sentence order stands modified to the extent indicated above.

6. This revision petition stands disposed of accordingly.

November 23, 2007. **(MOHINDER PAL)**
ak **JUDGE**